

Eric B. Fastiff (State Bar No. 182260)  
efastiff@lchb.com  
David T. Rudolph (State Bar No. 233457)  
drudolph@lchb.com  
Katherine C. Lubin (State Bar No. 259826)  
klubin@lchb.com  
Patricia A. Dyck (State Bar No. 288600)  
pdyck@lchb.com  
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP  
275 Battery Street, 29th Floor  
San Francisco, CA 94111-3339  
Telephone: 415.956.1000  
Facsimile: 415.956.1008

*Attorneys for Individual and Representative Plaintiffs*

[Additional Counsel Listed on Signature Page]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
(OAKLAND DIVISION)

DENNIS KUNKEL, DAVID WROBEL  
and JOHN CUNNINGHAM, on behalf of  
themselves and all others similarly situated,

Plaintiffs,

v.

JOHN WILEY & SONS, INC.,

Defendant.

Case No. 14-cv-3180-JSW

**STIPULATION TO FILE FIRST  
AMENDED COMPLAINT, TO EXTEND  
TIME TO RESPOND, AND TO CONTINUE  
INITIAL CASE MANAGEMENT  
CONFERENCE AND RELATED  
DEADLINES; ~~PROPOSED~~ ORDER**

**[Civ. L.R. 6-2 and 16-2(e)]**

Initial CMC Date: October 17, 2014  
Time: 11:00 a.m.  
Place: Courtroom 5, 2nd Floor  
Judge: Hon. Jeffrey S. White  
Trial Date: None Set

On July 14, 2014, Plaintiffs Dennis Kunkel, David Wrobel, and John Cunningham filed a class action Complaint against Defendant John Wiley & Sons, Inc. ("Wiley") in the above-captioned case (Dkt. 1).

On August 5, 2014, the parties filed a joint stipulation to extend the time for Wiley to respond to the Complaint to September 5, 2014 (Dkt. 13).

Plaintiffs now seek to file a First Amended Complaint ("FAC") pursuant to Federal Rule

1 of Civil Procedure 15(a).

2 In light of the anticipated filing of the FAC, the parties desire to continue the Initial Case  
3 Management Conference currently scheduled for October 17, 2014 at 11:00 a.m. to allow  
4 Plaintiffs to file the FAC and Wiley to file its responsive pleading before the Court conducts the  
5 Initial Case Management Conference.

6 The parties have agreed to continue the Initial Case Management Conference to December  
7 12, 2014 at 11:00 a.m. The parties have reviewed the Court's Calendar and Scheduling Notes and  
8 determined the December 12, 2014 date is available for this case, which has a terminal digit of 0  
9 (zero).

10 NOW THEREFORE, Plaintiffs and Wiley hereby stipulate and agree as follows:

- 11 1. Plaintiffs shall file a First Amended Complaint by October 6, 2014.
- 12 2. Wiley's responsive pleading shall be due thirty (30) days after the First  
13 Amendment Complaint is filed.
- 14 3. The Initial Case Management Conference is continued to December 12, 2014 at  
15 11:00 a.m. in Courtroom 5 of the above-captioned court.
- 16 4. All dates relating to the parties' obligations to engage in a Meet and Confer,  
17 provide Initial Disclosures, to commence discovery, and to prepare a Case  
18 Management Statement under Federal Rules of Civil Procedure Rule 26 and the  
19 Northern District of California Civil Local Rules shall be continued and flow from  
20 the December 12, 2014 Initial Case Management Conference date.
- 21 5. This stipulation is without prejudice to the rights, claims, or defenses of any party.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

6. Pursuant to Civil Local Rule 6-2 and 16-2, this is the first stipulation between the parties to continue the hearing date on the Initial Case Management Conference. No trial date has been set in this case.

IT IS SO STIPULATED.

Dated: September 4, 2014

By: /s/ Eric B. Fastiff  
Eric B. Fastiff

Eric B. Fastiff (State Bar No. 182260)  
efastiff@lchb.com  
David T. Rudolph (State Bar No. 233457)  
drudolph@lchb.com  
Katherine C. Lubin (State Bar No. 259826)  
klubin@lchb.com  
Patricia A. Dyck (State Bar No. 288600)  
pdycck@lchb.com  
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP  
275 Battery Street, 29th Floor  
San Francisco, California 94111-3339  
Telephone: (415) 956-1000  
Facsimile: (415) 956-1008

Jonathan D. Selbin (State Bar No. 170222)  
jselbin@lchb.com  
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP  
250 Hudson Street, 8th Floor  
New York, NY 10013  
Telephone: (212) 355-9500  
Facsimile: (212) 355-9592

Maurice Harmon  
HARMON & SEIDMAN LLC  
maurice@harmonseidman.com  
11 Chestnut Street  
New Hope, PA 18938  
Telephone: (215) 693-1953  
Facsimile: (970) 245-8086

Christopher Seidman (State Bar No. 98884)  
HARMON & SEIDMAN LLC  
chris@harmonseidman.com  
101 South Third Street, Suite 265  
Grand Junction, CO 81501  
Telephone: (970) 245-9075  
Facsimile: (970) 245-8086

*Attorneys for Individual and Representative Plaintiffs*

Dated: September 4, 2014

By: /s/ Joseph E. Addiego III  
Joseph E. Addiego III

Joseph E. Addiego III (State Bar No. 169522)  
joeaddiego@dwt.com  
Sanjay M. Nangia (State Bar No. 264986)  
sanjaynangia@dwt.com  
DAVIS WRIGHT TREMAINE LLP  
505 Montgomery Street, Suite 800  
San Francisco, California 94111  
Telephone: (415) 276-6500  
Facsimile: (415) 276-6599

Marisa Office (*Pro Hac Vice*)  
moffice@lskslaw.com  
Robert Penchina (*Pro Hac Vice*)  
rpenchina@lskslaw.com  
LEVINE SULLIVAN KOCH AND SCHULZ, LLP  
321 W. 44th Street, Suite 1000  
New York, NY 10036  
Telephone: (212) 850-6109  
Facsimile: (212) 850-6299

*Attorneys for John Wiley & Sons, Inc.*

ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Eric B. Fastiff, hereby attest that concurrences in the filing of this document have been obtained from each of the signatories.

By: /s/ Eric B. Fastiff  
Eric B. Fastiff

~~PROPOSED~~ ORDER

Pursuant to stipulation, the foregoing is approved and IT IS SO ORDERED.

DATED: September 5, 2014

  
THE HONORABLE JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE